

# **EXHIBIT A**

Robert Henry Rehbach

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<p>1 time so that you can get on the road and start making</p> <p>2 these deliveries on your route, hitting one through</p> <p>3 forty, right, in a timely way?</p> <p>4 A. It's not showing up at a certain time. It's</p> <p>5 showing up in the time it takes you to get that end</p> <p>6 result.</p> <p>7 Q. All right. Fair enough. In other words, some</p> <p>8 people might be better at moving product around and</p> <p>9 getting it to the end line more efficiently than</p> <p>10 others?</p> <p>11 A. Absolutely.</p> <p>12 Q. But you're directing them to get to the</p> <p>13 warehouse to get the papers, get it in your car and get</p> <p>14 their show on the road. You could do that any way you</p> <p>15 want to, but that's the logistics of how we're doing</p> <p>16 this?</p> <p>17 A. Well, sure. You have to come here to get your</p> <p>18 product and you have to deliver it in a timely fashion.</p> <p>19 I think that encompasses that.</p> <p>20 Q. And just as Mr. Novack testified, they're</p> <p>21 instructed to do that and you go so far as to actually</p> <p>22 show them their route, you know, and go through it once</p> <p>23 or twice until they reach a certain comfort level?</p> <p>24 A. Well, we give them an overview of the route.</p>	<p>1 going to kid you. When you're dealing with twenty</p> <p>2 different products and they're coming in all different</p> <p>3 times, and that's why some people will come in. I</p> <p>4 don't want to demean the job in any way, shape or form,</p> <p>5 but it is a simple job once you're out there making the</p> <p>6 deliveries.</p> <p>7 Q. And I suspect that once you've done it thirty</p> <p>8 times you're going to get even that much better at it.</p> <p>9 A. Oh, absolutely.</p> <p>10 Q. And if you do it sixty times you're that much</p> <p>11 better and probably by the time you're around three</p> <p>12 months you got it really under control?</p> <p>13 A. I would say you reach a plateau, yes,</p> <p>14 absolutely.</p> <p>15 Q. It's almost like, you know, brushing your</p> <p>16 teeth in the morning becomes routine?</p> <p>17 A. Yes.</p> <p>18 Q. All right. In every one of these paragraphs</p> <p>19 in this document that I'm holding up, Novack No. 1,</p> <p>20 every one of these paragraphs here, you are telling the</p> <p>21 candidate driver that you're now entering into</p> <p>22 contracting with this is how this works?</p> <p>23 A. Yes, sir.</p> <p>24 Q. This is the deal; right?</p>
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<p>1 Again, in my days of training I would tell people this</p> <p>2 is what fifteen years of experience has shown me. It's</p> <p>3 not all my learning. I've learned it from guys just</p> <p>4 like you and I'll learn tomorrow from somebody who does</p> <p>5 it better. So I'm just going to show you what works</p> <p>6 best for me. What you feel works best for you is</p> <p>7 entirely up to you, but our end result must be delivery</p> <p>8 within a reasonable period of time without customer</p> <p>9 complaint.</p> <p>10 Q. And if that person was smart, they'd probably</p> <p>11 listen to you after all your years of experience?</p> <p>12 A. I know I do, absolutely.</p> <p>13 Q. They get it done efficiently so that their</p> <p>14 profit from the \$50 that they earn that day, right,</p> <p>15 they actually have some profit for that day --</p> <p>16 A. Sure.</p> <p>17 Q. -- for wear and tear and gas; right?</p> <p>18 A. I think the average person with average</p> <p>19 intelligence would figure that out without being</p> <p>20 instructed in those things. Right.</p> <p>21 Q. It's a pretty simple job?</p> <p>22 A. Very simple.</p> <p>23 Q. Not a lot involved?</p> <p>24 A. It takes some coordination effort. I'm not</p>	<p>1 A. Yes, sir. I don't know that we word for word</p> <p>2 or paragraph for paragraph. We do try to pick out the</p> <p>3 most important ones that they should be aware as not to</p> <p>4 negate their contract.</p> <p>5 Q. And under paragraph 1.a., for example, we</p> <p>6 talked about this, the bottom line is that you're</p> <p>7 telling them that they have to deliver this on time and</p> <p>8 it has to be dry?</p> <p>9 A. If that's what --</p> <p>10 Q. Correct?</p> <p>11 A. Yes, sir.</p> <p>12 Q. And you're also telling them in advance, look,</p> <p>13 if I get another customer on that route or if I have a</p> <p>14 customer on that route and they call me up and say "I</p> <p>15 want twenty more Wall Street Journals," you're going to</p> <p>16 have to deliver that?</p> <p>17 A. Absolutely. And I believe that that's</p> <p>18 probably in the next paragraph.</p> <p>19 Q. You're telling them that right in that</p> <p>20 paragraph b?</p> <p>21 A. In paragraph b. Let me read it first. Yes,</p> <p>22 sir. As well as other products that we might implement</p> <p>23 into our system.</p> <p>24 Q. Do you see the last sentence under b? It</p>

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<p>1 says, "Contractor shall deliver in any order and by 2 whatever manner, means, method or mode Contractor 3 chooses." 4 A. Yes, sir. 5 Q. The reality of it is, Mr. Rehbach, the reality 6 of it is that these folks are going to deliver these 7 newspapers, they do it in their car? 8 A. Yes, sir. 9 Q. Have you known anybody ever to do it any 10 differently than that? 11 A. No, sir. 12 Q. I mean, how else could they do it, seriously, 13 in terms of route 5 Newark? 14 A. Well, again, I think that could be subjective. 15 They could deliver it in any order. It's a sentence 16 with many meanings. It covers many areas. They can 17 deliver it A, D, F, Z, C. And whatever means, they 18 could have three of their brothers come in and help 19 them deliver them and break it down. And they have 20 done that in the past. And method or mode, that's all 21 subjective, what you want to... 22 Q. You tell them they can't mess with the papers 23 by stamping it or putting anything else in the 24 newspaper?</p>	<p>1 A. To report those things, not necessarily to 2 repair them. 3 Q. You tell them to do that? 4 A. To report it? 5 Q. Yes. 6 A. Yes, sir. 7 Q. And they also have to pick up any unsold 8 newspapers from vending daily and provide proof of 9 return? 10 A. Yes, sir. 11 Q. They do that as well at your request? 12 A. Yes, sir. 13 Q. Under 2 your agreement to them is I'm going to 14 provide you with the newspapers basically; right? 15 A. Yes. 16 Q. I'm going to pay you 50 bucks a day? 17 A. Yes. 18 Q. You're going to provide them with delivery 19 data? 20 A. Yes, sir. 21 Q. And you're going to give them a 1099? 22 A. Yes, sir. 23 Q. You're not going to do a W-2? 24 A. Yes, sir.</p>
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<p>1 A. No, sir. Absolutely not. I'm restricted by 2 that and I have to pass that down. 3 Q. And they're instructed; right? 4 A. Absolutely. 5 Q. You instruct them that they need to have auto 6 insurance in effect and have the appropriate licenses? 7 A. Yes, sir. 8 Q. If a contractor cannot repair news racks or 9 merchandise that has been made inoperable, the 10 contractor will notify the company within four hours 11 for replacement or repair. In other words, if one of 12 these, what are they, newspaper vending machines 13 break -- 14 A. Yes. 15 Q. -- and they can't fix it on the road, they 16 need to let you know? 17 A. Yes. So hopefully we can get out there same 18 day, get it fixed. Especially if it has yesterday's 19 paper in it. That will always generate a complaint. 20 Especially it won't for the contractor, but it works 21 for the next paying customer. They don't call DMOD. 22 They call USA Today. Of course, their contention is 23 that we never serviced that machine. 24 Q. That's part of their responsibility?</p>	<p>1 Q. Now, you're not going to give them a W-2 2 because if they were W-2 they'd clearly be an employee 3 at that point; right? 4 A. Yes. 5 Q. So you got to give them a 1099. 6 A. Yes, sir. 7 Q. Now, did Darian Johnson ever invoice you? 8 A. Not that I know. Not to the best of my 9 knowledge, no. 10 Q. You heard Mr. Novack say that some of these 11 delivery people invoice you? 12 A. Yes, sir. 13 Q. How many? Out of a thousand, let's say. 14 A. I would say as of the beginning of '06 we 15 pretty much have all of our contractors doing it. 16 Q. You have all of your contractors as of '06 -- 17 A. Pretty much. I believe so. I know he's not 18 allowed to support my answer, but I do see many, many 19 invoices coming through with our contractors. 20 Q. I have to stop you. I've got to understand 21 this and appreciate this now. Did you make it a 22 requirement in '06 for these delivery people to invoice 23 you? 24 A. It's not a requirement, no. It's a standard</p>